IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.2357 OF 2004**

Mrs. Mary Thottan ..Petitioner

Vs.

State of Maharashtra & Ors..Respondents

Ms. B.D'Souza i/b. M.P. Vashi for the Petitioner

Mr. M. More, AGP for Respondent Nos. 1 and 2.

Mr. S.D. Rayrilkar, for Respondent Nos. 3 and 4.

CORAM: **F.I. REBELLO &**

MRS.V.K.TAHILRAMANI, JJ.

DATE: 10th July,2006

P.C.

. The petitioner was appointed in the year 1987 against the post reserved for a backward class candidate. In para.4 of the rejoinder itself the petitioner sets out that she was appointed for the academic year 1987-88 and 1988-89 as full time temporary teacher against backlog roster and again in the academic year 1989-90. The petitioner received remuneration for her services.

2. The only ground based on which the petitioner seeks regularisation is that the post was thereafter dereserved and as such she should be given the benefit of her earlier appointment. It is not possible to entertain such submission. It is only

when the post becomes dereserved can the petitioner be appointed against the vacancy. Merely because the petitioner was earlier appointed against the backlog would not confer any right for regularisation from the previous date. In these circumstances in our opinion no case is made out for interference. Petition rejected.

(**F.I. REBELLO, J)**

(**MRS.V.K.TAHILRAMANI, J).**